IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6595 OF 2005

Mahesh Appaso Deshmukh. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri Nitin Pradhan i/by Ms.Shubhada Khot for the Applicant.
Ms.S.D.Shinde, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 11th October, 2005.

P.C.:

1. Heard the learned Advocate appearing for the Applicant and the learned A.P.P. for the State.

2. The offence registered against the Applicant and the co-accused is under sections 143, 147, 148, 307 and 506 read with section 149 of the Indian Penal Code and section 25 read with section 3 of the Arms Act. The allegation against the Applicant is that he gave one blow by a sword in his hand on the head of the injured person. The injury certificate of the injured shows that there is a C.L.W. over the left occipital region which is bone deep. There are several other injuries caused to the injured person on his hand, knee joint and other parts of the body.

3. The learned Advocate for the Applicant pointed out that the investigation is complete. He pointed out that the F.I.R. itself discloses that there was a property dispute between the family of the Applicant and

the injured person. He submitted that till conclusion of the trial the Applicant will stay away from the town of Atpadi.

4. The learned A.P.P. pointed out that the first informant and the eye witnesses have ascribed a clear role to the Applicant and therefore, no case is made out for enlarging the Applicant on bail.

5. I have considered the submissions. The charge-sheet has already been filed. There is one injury caused by the Applicant on the head of the deceased. No criminal antecedents of the Applicant have been pointed out. The F.I.R. itself discloses that earlier there was a dispute over the property between the families of the accused and the first informant. The Applicant is in custody from 31st May 2005. The Applicant has offered to stay away from the town of Atpadi, where almost all witnesses are residing. Considering these aspects, a case is made out for enlarging the Applicant on bail.

6. Hence the following order is passed:

(i) The Applicant shall be enlarged on bail in connection with C.R.No.53 of 2005 registered at Atpadi Police Station, Sangli, subject to furnishing a personal

bond of Rs.15,000/- with one or two local sureties in the like amount.

(ii) The bail is granted subject to condition that the Applicant will not enter the limits of Atpadi till the conclusion of trial. The order granting bail will be given effect to only after the Applicant furnishes to the Investigating officer the detailed address of the place of residence where he proposes to stay after he is enlarged on bail.

(iii) The bail is granted subject to further condition that the Applicant will report to the concerned Police Station once in a month till conclusion of trial.

(iv) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(v) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by

the Applicant to delay the trial may be a ground for cancellation of bail.

(vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vii) Application is disposed of in above terms.

(viii) The parties to act upon an authenticated copy of this order.

Judge.